

# UNITED STATES DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE

## *Office of Business Liaison*

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### Work Authorization Relating to Nonimmigrant Classification

CLASS	DEFINITION	EMPLOYMENT ELIGIBILITY
A	Diplomats	Employer-specific; Dependents may be eligible for EAD <sup>1</sup>
B-1	Visitors for Business	Not eligible for employment
B-2	Visitors for Pleasure	Not eligible for employment
C	Transit Aliens	Not eligible for employment
D	Crewmen	Employer-specific
E-1	Treaty Traders	Employer-specific; Dependents in same classification not employment eligible
E-2	Treaty Investors	Employer-specific; Dependents in same classification not employment eligible
F-1	Academic Students	Eligible for on campus employment and curricular practical training, per I-20 endorsement, with proof of current F-1 status; eligible for EAD
F-2	Dependents of Academic Students	Not eligible for employment
G	Employees of International Organizations	Employer-specific; Dependents may be eligible for EAD
H-1b	Specialty Workers	Employer-specific
H-1c	Specialty Nurses	Employer-specific
H-2a	Temporary Agricultural Workers	Employer-specific
H-2b	Temporary Non-agricultural Workers	Employer-specific
H-3	Trainees	Employer-specific
H-4	Dependents of any H principal	Not eligible for employment
I	Information Media Representatives	Employer-specific
J-1	Exchange Visitors	Employer-specific
J-2	Dependents of Exchange Visitors	May be employed only with EAD
K-1, -2	Fiance(e)s and dependents	Employment authorized incident to status; eligible for EAD
K-3	Spouse of US citizen	Eligible for EAD
K-4	Child of US citizen	Eligible for EAD
L-1a	Intracompany Transferees (managers or executives)	Employer-specific
L-1b	Intracompany Transferees (specialized knowledge aliens)	Employer-specific
L-2	Dependents of L-1 aliens	Not eligible for employment
M-1	Non-academic students	May be employed only with EAD
NATO	North Atlantic Treaty Organization Representatives	Employer-specific; Dependents may be eligible for EAD

<sup>1</sup> Employment Authorization Document, Form I-688B or I-766 (application is filed on Form I-765)

O-1	Aliens of Extraordinary Achievement	Employer-specific
O-2	Aliens Accompanying/ Assisting O-1 Performers or athletes	Employer-specific
O-3	Dependents of O-1 or O-2 aliens	Not eligible for employment
P-1	Individual or Team Athletes and Group Entertainers	Employer-specific
P-2	Individual/Group Artist/ Entertainer under Reciprocal Exchange Program	Employer-specific
P-4	Dependents of P-1, P-2, or P-3 principal alien	Not eligible for employment
Q	Cultural Exchange Visitors	Employer-specific
R-1	Religious Workers	Employer-specific
TN-1	Treaty NAFTA aliens from Canada	Employer-specific
TN-2	Treaty NAFTA aliens from Mexico	Employer-specific
TD	Treaty NAFTA dependents	Not eligible for employment
V-1	Spouse of Lawful Permanent Resident	Eligible for EAD
V-2	Child of Lawful Permanent Resident	Eligible for EAD

## Nonimmigrant Classification Reference Guide

### **How to use this Information Sheet:**

The letters symbolizing nonimmigrant classification., which match the symbols for status granted by the INS and visas issued by the State Department (at U.S. Consulates abroad), are followed by brief descriptions of categories. Listings under the heading “Law” refers to corresponding provisions of the Immigration and Nationality Act (INA) as codified in the United States Code. Applicable provisions from the Code of Federal Regulations can be found in two places. Provisions that relate uniquely to given status categories are found under the “Regulation” heading next to the corresponding status symbols, descriptions, and provisions of law. General regulatory provisions governing nonimmigrants, relating to such matters as requirements for admission to and employment in the U.S., change or adjustment of status, and issuance of visas from U.S. Consulates, which apply to more than one or all nonimmigrant categories, appear at the end of this information bulletin. (For information on Hiring Temporary Employees from Outside the United States, see Employer Information Bulletin 2.)

### **CLASSIFICATION DESCRIPTION** **(Status)**

### **LAW** **8 U.S.C.A. §** **(note exceptions)**

### **REGULATION** **8, 20, and 22 C.F.R. §** **(note exceptions)**

<b>A</b>	<b>Foreign Government Officials (General)</b>		<b>214.2(a)</b> <b>22 CFR § 41.21</b> <b>22 CFR § 41.21-22</b>
<b>A-1</b>	<b>Ambassador, public minister, career diplomat, or consular officer, and immediate family members</b>	<b>1101(a)(15)(A)(i)</b> <b>1102</b>	<b>274a.12(b)(1)</b>
<b>A-2</b>	<b>Other foreign government officials and employees, and immediate family members</b>	<b>1101(a)(15)(A)(ii)</b>	<b>274a.12(b)(1)</b>
<b>A-3</b>	<b>Attendant, servant, or personal employee of A-1 or A-2, and immediate family members</b>	<b>1101(a)(15)(A)(iii)</b>	<b>274a.12(b)(2)</b>
<b>B</b>	<b>Temporary visitors for Business or Pleasure (General)</b>	<b>1101(a)(15)(B)</b>	<b>214.2(b)</b> <b>22 CFR § 41.31-33</b>
<b>B-1</b>	<b>Temporary visitor for business</b>		
<b>B-2</b>	<b>Temporary visitor for pleasure</b>		

<u>Classification Description</u>		<u>LAW</u> <u>8 U.S.C.A.</u> <u>(note exceptions)</u>	<u>REGULATION</u> <u>8, 20, and 22 C.F.R.</u> <u>(note exceptions)</u>
<b>C</b>	<b>Aliens in Transit (General)</b>		214.2(c)
C-1	Alien in transit	1101(a)(15)(C)	22 CFR §41.71
C-2	Alien in transit to United Nations Headquarters district	1101(a)(15)(C)	274a.12(b)(3)
C-3	Foreign government official, immediate family, attendant, servant, or personal employee in transit		22 CFR §41.71(b) 274a.12.(b)(3) 22 CFR §41.23
<b>D</b>	<b>Crewmembers (General) Sea or Air</b>	1101(a)(15)(D)	214.2(d) 22 CFR §41.41
<b>E</b>	<b>Treaty Traders/Investors (General)</b>		274a.12(b)(5) 214.2(e) 22 CFR § 41.51
E-1	Treaty trader, spouse and children	1101(a)(15)(E)(i)	
E-2	Treaty investor, spouse and children	1101(a)(15)(E)(ii)	
<b>F</b>	<b>Academic Students (General)</b>		214.1(b) 214.2(f) 20 CFR §655.900-1060 22 CFR § 41.61
F-1	Academic student	1101(a)(15)(F)(i)	274a.12(b)(6)
F-2	Spouse or child of F-1	1101(a)(15)(F)(ii)	
<b>G</b>	<b>Representatives to International Organizations (General)</b>	1101(a)(15)(G) 1102	214.2(g) 22 CFR § 41.24
G-1	Principal resident representative of recognized foreign member government to international organization, staff, and immediate family members	1101(a)(15)(G)(i)	274a.12(b)(7)
G-2	Other representative of foreign member government to international organization, and immediate family members	1101(a)(15)(G)(ii)	274a.12(b)(7)
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and immediate family members	1101(a)(15)(G)(iii)	274a.12(b)(7)
G-4	International organization officer or employee, and immediate family members	1101(a)(15)(G)(iv)	274a.12(b)(7)
G-5	Attendant, servant, or personal employee of G-1 through G-4 and immediate family members	1101(a)(15)(G)(v)	274a.12(b)(8)
<b>H</b>	<b>Temporary Employees (General)</b>	1101(a)(15)(H)	214.2(h) 22 CFR § 41.53
H-1A	Registered nurse (category expired 8/31/95)	1101(a)(15)(H)(i)(a)	274a.12(b)(9) 20 CFR §655.300-.460
H-1B	Alien in specialty occupation (profession)	1101(a)(15)(H)(i)(b)	274a.12(b)(9) 20 CFR §655.700-.855
H-2	Temporary worker performing services unavailable in the United States (petitions filed prior to 6/1/87)	1101(a)(15)(H)(ii)	
H-2A	Temporary worker performing agricultural services unavailable in the United States (petition filed on or after 6/1/87)	1101(a)(15)(H)(ii)(a)	274a.12(b)(9) 20 CFR § 655.90-113
H-2B	Temporary worker performing other services unavailable in the United States (petition filed on or after 6/1/87)	1101(a)(15)(H)(ii)(b)	274a.12(b)(9) 20 CFR § 655.200-300
H-3	Trainee	1101(a)(15)(H)(iii)	274a.12(b)(9)
H-4	Spouse/child of H-1A/B, H-2A/B, H-3	1101(a)(15)(H)(iii)	

<u>Classification Description</u>		<u>LAW</u> <u>8 U.S.C.A.</u> <u>(note exceptions)</u>	<u>REGULATION</u> <u>8, 20, and 22 C.F.R.</u> <u>(note exceptions)</u>
<b>I</b>	Representatives of foreign information media, spouse, and children	1101(a)(15)(I)	214.2(i) 274a.12(b)(10) 22 CFR § 41.52
<b>J</b>	Exchange Visitors (General)	1101(a)(15)(J)	214.1(b) 214.2(j) 22 CFR § 41.62-63 22 CFR § 514 274a.12(b)(11)
<b>J-1</b>	Exchange visitor		
<b>J-2</b>	Spouse or child of J-1		
<b>K</b>	Fiance(e) of a U.S. citizen (General)	1101(a)(15)(K)	214.2(k) 22 CFR § 41.81
<b>K-1</b>	Fiance(e) of U.S. citizen		
<b>K-2</b>	Child of K-1		
<b>L</b>	Intracompany Transferees (General)	1101(a)(15)(L)	214.2(l) 22 CFR § 41.54
<b>L-1</b>	Intracompany transferee (executive, managerial, and specialized personnel continuing employment with international firm or corporation)		274a.12(b)(12)
<b>L-2</b>	Spouse or child of L-1		
<b>M</b>	Students in established vocational or other recognized Nonacademic institutions other than in language training programs	1101(a)(15)(M)	214.1(b) 214.2(m) 22 CFR § 41.61
<b>M-1</b>	Vocational or other nonacademic student		
<b>M-2</b>	Spouse or child of M-1		
<b>N</b>	Certain parents and children of section 101(a)(27)(I) - special immigrants		214.2(n)
<b>N-8</b>	Parent of SK-3 special immigrant	1101(a)(15)(N)(i)	274a.12(a)(7)
<b>N-9</b>	Child of N-8 or of SK-1, SK-2 or SK-4 special immigrant	1101(a)(15)(N)(ii)	274a.12(a)(7)
<b>O</b>	Aliens with Extraordinary Ability (General)		214.2(o) 22 CFR § 41.55
<b>O-1</b>	Aliens with extraordinary ability in sciences, arts, education, business, or athletics	1101(a)(15)(O)(i)	274a.12(b)(13)
<b>O-2</b>	Alien accompanying O-1	1101(a)(15)(O)(ii)	274a.12(b)(13)
<b>O-3</b>	Spouse or child of O-1 or O-2	1101(a)(15)(O)(iii)	
<b>P</b>	Alien Athletes, Artists, and Entertainers (General)		214.2(p) 22 CFR § 41.56
<b>P-1</b>	Internationally recognized athlete or member of internationally recognized entertainment group	1101(a)(15)(P)(i)	274a.12(b)(14)
<b>P-2</b>	Artist or entertainer in reciprocal exchange program	1101(a)(15)(P)(ii)	274a.12(b)(14)
<b>P-3</b>	Artist or entertainer in culturally unique program	1101(a)(15)(P)(iii)	274a.12(b)(14)
<b>P-4</b>	Spouse or child of P-1, P-2, or P-3	1101(a)(15)(P)(iv)	

<u>Classification Description</u>		<u>LAW</u> <u>8 U.S.C.A.</u> <u>(note exceptions)</u>	<u>REGULATION</u> <u>8, 20, and 22 C.F.R.</u> <u>(note exceptions)</u>
Q-1	Participants in international cultural exchange program	1101(a)(15)(Q)	214.2(q) 274a.12(b)(15) 22 CFR § 41.57
R	Religious Workers (General)	1101(a)(15)(R)	214.2(r) 274a.12(b)(16) 22 CFR § 41.58
R-1	Alien in religious occupation		
R-2	Spouse or child of R-1		22 CFR § 41.58(a)(5)
S	Aliens Supplying Critical Information (General)	1101(a)(15)(S)	
S-1	Certain Aliens Supplying Critical Information Relating to a Criminal Organization or Enterprise	1101(a)(15)(S)(i)	
S-2	Certain Aliens Supplying Critical Information Relating to Terrorism	1101(a)(15)(S)(ii)	
TN	NAFTA Professionals (General)	1184(e)(2)	214.2(b)(4) 214.6 274a.12(b)(19) 22 CFR § 41.59
TN-1	Canadian NAFTA Professional		
TN-2	Mexican NAFTA Professional		
TD	Spouse or Child of TN-1 or TN-2		
NATO	NATO Representatives, Officials, and Employees (General)		214.2(s) 22 CFR § 41.25
NATO-1	Principal permanent representative of NATO member state/subsidiary bodies and official staffmembers resident in U.S.; NATO Secretary General, Assistant Secretary General, and Executive Secretary; permanent NATO officials of similar rank, and immediate family members	Art 12, 5 UST 1094	274a.12(b)(17)
NATO-2	Other representatives of NATO member states/subsidiary bodies including representatives, advisors, and technical experts of delegations, and immediate family members; dependents and members (with visas) of a force entering in accordance with NATO Status-of-Forces Agreement or "Protocol on Status of International Military Headquarters"	Art. 13, 5 UST 1094	274a.12(b)(17)
NATO-3	Official clerical staff of representative of member state to NATO/subsidiary body and immediate family members	Art. 14, 5 UST 1096	274a.12(b)(17)
NATO-4	NATO officials other than NATO-1 and immediate family members	Art. 18, 5 UST 1098	274a.12(b)(17)
NATO-5	NATO experts other than NATO-4 employed in NATO missions and immediate family members	Art. 21, 5 UST 1100	274a.12(b)(17)
NATO-6	Members and dependents of civilian component accompanying a force entering in accordance with NATO Status-of-Forces Agreement or attached to Allied Headquarters under "Protocol on the Status of International Military Headquarters"	Art. 1, 4 UST 1794 Art. 3, 5 UST 877	274a.12(b)(17)
NATO-7	Attendant, servant, or personal employee of NATO-1 through NATO-4 and immediate family members	Art. 12-20, 5 UST 1094-98	274a.12(b)(18)

**References to General Regulatory Provisions Governing Nonimmigrants**

<b>8 CFR §214.1</b>	<b>Requirements for Admission, Extension and Maintenance of Status</b>
<b>§214.2</b>	<b>Special Requirements for Admission, Extension, and Maintenance of Status</b>
<b>8 CFR §217</b>	<b>Visa Waiver Pilot Program</b>
<b>8 CFR §221</b>	<b>Admission of Visitors or Students</b>
<b>8 CFR §245</b>	<b>Adjustment of Status to that of a Person Admitted for Permanent Residence</b>
<b>8 CFR §248</b>	<b>Change of Nonimmigrant Classification (Change of Status)</b>
<b>8 CFR §274a</b>	<b>Control of Employment of Aliens</b>
<b>§274a.12(b)</b>	<b>Aliens Authorized for Employment with a Specific Employer Incident to Status</b>
<b>20 CFR § 655</b>	<b>Temporary Employment of Aliens in the United States</b>
<b>22 CFR § 22</b>	<b>Schedule of Fees for Consular Services</b>
<b>§ 41.101</b>	<b>Application for Nonimmigrant Visa</b>
<b>§ 41.111</b>	<b>Issuance of Nonimmigrant Visa</b>
<b>§ 41.121</b>	<b>Refusals and Revocations of Nonimmigrant Visa</b>
<b>28 CFR § 44</b>	<b>Unfair Immigration-Related Employment Practices</b>